

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENTS ON BEHALF OF STUDENT,

v.

ELK GROVE UNIFIED SCHOOL
DISTRICT.

OAH Case No. 2014100301

ORDER GRANTING REQUEST FOR
CONTINUANCE AND SETTING
PREHEARING CONFERENCE AND
HEARING DATES

On November 20, 2014, Student filed a request to continue the dates in this matter because he is seeking legal representation. Elk Grove Unified School District (Elk Grove) filed a non-opposition. This is the first request for a continuance in this matter. The prehearing conference in this matter is set for 1:00 p.m. on November 24, 2014, and the hearing on December 2, 2014

A due process hearing must be conducted and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted for good cause. (34 C.F.R. § 300.515(a) & (c) (2006); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); Cal. Code Regs., tit. 1, § 1020.) As a result, continuances are disfavored. Good cause may include the unavailability of a party, counsel, or an essential witness due to death, illness or other excusable circumstances; substitution of an attorney when the substitution is required in the interests of justice; a party's excused inability to obtain essential testimony or other material evidence despite diligent efforts; or another significant, unanticipated change in the status of the case as a result of which the case is not ready for hearing. (See Cal. Rules of Court, rule 3.1332(c).) OAH considers all relevant facts and circumstances, including the proximity of the hearing date; previous continuances or delays; the length of continuance requested; the availability of other means to address the problem giving rise to the request; prejudice to a party or witness as a result of a continuance; the impact of granting a continuance on other pending hearings; whether trial counsel is engaged in another trial; whether the parties have stipulated to a continuance; whether the interests of justice are served by the continuance; and any other relevant fact or circumstance. (See Cal. Rules of Court, rule 3.1332(d).)

OAH has reviewed the request for good cause and considered all relevant facts and circumstances. The request is:

☒ Granted. All dates are vacated and reset as follows:

Prehearing Conference: February 27, 2015, at 1:00 p.m.¹
Due Process Hearing: March 9, 2015 at 1:30 p.m., and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

IT IS SO ORDERED.

DATE: November 21, 2014

/s/

REBECCA FREIE
Administrative Law Judge
Office of Administrative Hearings

¹ In its non-opposition, Elk Grove asked that OAH set a trial setting conference so that the parties could discuss alternative dates for hearing. However, OAH does not routinely set trial setting conferences, and this situation does not call for one. If the parties do not agree with the dates for hearing that are set in this order and wish to change them, they may submit a joint request for continuance with alternative dates to OAH.